

REMARKS

1. Claims 1-15 are pending in this application. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows.

The claims are subject to a restriction requirement. In particular, the Examiner asserts that the application includes the following distinct species of the claimed invention:

- a. the ammunition clip as embodied in Figure 2;
- b. the ammunition clip as embodied in Figure 3;
- c. the ammunition clip as embodied in Figure 4;
- d. the ammunition clip as embodied in Figure 5;
- e. the ammunition clip as embodied in Figure 8;.

In response, the applicant elects the ammunition clip as embodied in FIG. 2, with traverse.

The Examiner admits the claim 1 is generic. In addition, it is believed that at least claims 1-3 and 6-15 read on the elected species.

2. In general, "There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the inventions must be independent . . . and (B) There must be a serious burden on the examiner" (MPEP §803.01). In the case at hand, the Examiner has failed to meet either criteria.

As far as the first criteria is concerned the inventions are not independent. The Examiner acknowledges this by admitting that claim 1 is generic.

As far as the second criteria is concerned, the Examiner has failed to provide any basis for establishing a serious burden. In addition, "Examiners must provide reasons and/or examples to support conclusions" (MPEP §803.01). In the case at hand, the Examiner merely asserts that FIGs. 2, 3, 4, 5 and 8 are distinctive species of the claimed invention.

In addition, claim 1 is generic. Consequently, a search directed to FIG. 2 would necessarily require the searching of the features of FIGs. 3, 4, 5 and 8. Thus, there is no purpose served by the restriction since no reduction in the number of search classifications or scope of search is achieved.

Further, the practicalities and efficiencies of searching all categories at one time would be totally lost if restriction is required, resulting in duplicative searching which is wasteful of the Patent Office's time and effort.

2. The allowance of claims 1-15 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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